THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.16139 of 2006

DATED: 04.01.2007

Between:

K.N.Laxman Kumar

...

Petitioner

and

1. Government of Andhra Pradesh,
rep. by its Principal Secretary,
Municipal Administration & Urban Development,
Secretariat Buildings, Hyderabad.

2. The Malkajgiri Municipality,
Malkajgiri, Ranga Reddy District rep. by
its Commissioner

3. The Kapra Municipality,
Kapra, Ranga Reddy District,
Rep. by its Commissioner.

...Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.16139 of 2006

ORDER:

This Writ Petition is filed for a Writ of Mandamus declaring the action of respondent No.2 in not granting permission in favour of the petitioner for construction of house on his plot No.8A in Survey No.218/1 situated at Defence Colony, Malkajgiri Municipality, Ranga Reddy District, as illegal, arbitrary and consequently direct respondent

No.2 to grant permission in favour of the petitioner for construction of house on his plot No.8A, basing upon the application made by the petitioner dated 02.02.2006 forthwith, and to pass such other orders.

It is stated that the petitioner purchased plot No.8A in Sy.No.218/1 admeasuring 350 sq. yards situated at Defence Colony, Ramakrishnapuram under Malkajgiri Municipality, Ranga Reddy District on 03.12.2005 vide document No.7563/2005 registered in the office of Sub Registrar, Malkajgiri, Ranga Reddy District. It is also stated that the petitioner submitted an application, dated 01.02.2006, to the second respondent-Municipality seeking permission to construct residential building. It is further stated that the second respondent-Municipality issued endorsement, dated 10.02.2006, stating that there is a boundary dispute between second respondent and third respondent herein in the Defence Cooperative Housing Society Land in sy.no.218/1, in which, plot No.8A is one among such plots.

In similar facts situation, this Court had disposed of W.P.No.23194 of 2006 by order, dated 24.11.2006.

In view of the same and also in the light of the facts and circumstances, this Court is of the considered opinion that this Writ Petition be disposed of in the following terms:

It is needless to say that it is the bounden duty of the second respondent to dispose of the application made by the petitioner, dated 02.02.2006, seeking permission to construct residential building in the subject plot of the Writ Petition at an early date. It is needless to say that the action of respondent no.2 in keeping such an application of the petitioner pending for a sufficient period of time, is totally unjustified.

Accordingly, in view of the same, the second respondent is hereby directed to consider and dispose of the application of the petitioner seeking building permission for construction of residential

building, dated 02.02.2006, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of to the extent indicated above. No costs.

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(P.S.NARAYANA,J)

04.01.2007

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